



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,405	04/27/2006	Dirk Hartwich	026032-4965	9309
26371	7590	07/05/2007	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE MILWAUKEE, WI 53202-5306				WHITE, RODNEY BARNETT
		ART UNIT		PAPER NUMBER
		3636		
		MAIL DATE		DELIVERY MODE
		07/05/2007		PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/552,405	HARTWICH, DIRK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 May 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 16-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 16-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) *Precise copy of  
Office file in  
Please remove  
before scanning  
into file. Thanks* the Examiner.  
Applicant may not request that any objection to  
Replacement drawing sheet(s) including the co  
See 37 CFR 1.85(a).
- 11) The oath or declaration is objected to by the Examiner. See 37 CFR 1.121(d).

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Yoshinori et al (U.S. Patent No. 6,179,706 B1).

Yoshinori et al teaches a vehicle seat including a seat part having a side and a backrest having a side, at least one of the seat part and the backrest comprising: a usable surface; an air supply opening; an air duct extending between the air supply opening and the usable surface, the air duct having at least two air duct arms; a ventilator in communication with the air duct for producing an air flow in the air duct; and wherein the ventilator is coupled to the side of the at least one of the seat part and the backrest, wherein the ventilator is configured to direct the airflow from the air supply opening to the usable surface, wherein the ventilator is configured to direct the airflow from the usable surface to the air supply opening, wherein the backrest comprises a backrest structure and a backrest upholstery for covering the backrest structure and wherein the ventilator is coupled to the side of one of the backrest structure and the backrest

upholstery, wherein the seat part includes a seat part structure and a seat part upholstery for covering the seat part structure and wherein the ventilator is coupled to the side of one of the seat part structure and the seat part upholstery, wherein the at least one of the seat part and the backrest further comprises a foam cushion and wherein at least a portion of the air duct is formed in the foam cushion, further comprising an air permeable layer on the foam material and covering the at least a portion of the air duct in the foam cushion, wherein the ventilator is coupled to the air supply opening, an air duct configured to direct air between the air supply opening and the usable surface; and wherein the air duct has a first cross-sectional area at a first position and a second cross-sectional area at a second position, the first position being closer to the air supply opening than the second position and the second cross-sectional area being less than the first cross-sectional area, wherein the air duct comprises a plurality of arms so that the air duct is distributed over substantially all of the usable surface, wherein the first cross-sectional area and the second cross-sectional area are rectangular and are each defined by a height and a width, and wherein the width of the first cross-sectional area is the same as the width of the second cross-sectional area and the height of the first cross-sectional area is greater than the height of the second cross-sectional area, further comprising a foam material having a first side in which at least a portion of the air duct is formed and a second side opposite the first side, further comprising compensation elements coupled to the second side of the foam material, the compensation elements configured to deform so that the cross-sectional area of the at least a portion of

Art Unit: 3636

the air duct is maintained when the vehicle seat is occupied, further comprising a ventilator for producing an air flow in the air duct, further comprising an operating unit for controlling the operation of the ventilator, , wherein the operating unit is configured to control the operation of the ventilator based on at least one of the temperature of the interior of the vehicle and the temperature of the vehicle seat, , wherein the operating unit is configured to operate the ventilator at a first Speed when at least one of the temperature of the interior of the vehicle and the temperature of the vehicle seat exceeds a predetermined temperature limit and at a second speed when at least one of the temperature of the interior of the vehicle and the temperature of the vehicle seat falls within a predetermined temperature range, wherein the second speed is less than the first speed, , wherein the predetermined temperature range within which the ventilator operates at the second speed is less than the predetermined temperature limit over which the ventilator operates at the first speed, wherein the second speed is selected from a range of speeds, wherein the ventilator is coupled to a side of the at least one of the seat part and the backrest.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

Art Unit: 3636

said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshinori et al (U.S. Patent No. 6,179,706 B1).

Yoshinori et al teaches an obvious use of the structures as claimed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Larsson, Eksin et al, Aoki et al, Gielda et al, Bargheer et al, Minuth et al, Buss et al, Brennan et al, White et al, and Suzuki et al, teach structures similar to the present invention.

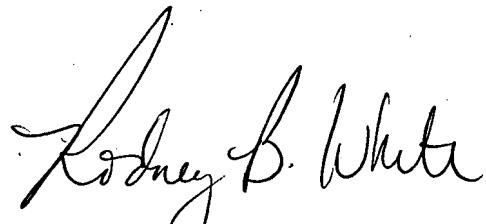
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,  
Patent Examiner  
Art Unit 3636  
June 27, 2007



RODNEY B. WHITE  
PRIMARY EXAMINER